IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1944 OF 2004

Sayyed Aslam Akbar Ali
Sayyed and another ... Petitioners

versus

Arjun Walunj and others ... Respondents

...

Mr. Jahangir A. Khan, for the Petitioners.

Mr. K.V. Saste, A.P.P., for the State.

...

CORAM : A.M.KHANWILKAR,J.

24th September 2004

P.C.:

. The only grievance made in this petition is about the stringent condition provided in the order of furnishing surety of permanent employee of cinema theatre within the jurisdiction of the concerned police station. I find substance in the grievance that the said condition cannot be fulfilled by the Petitioners as no permanent employee of any cinema theatre would be willing to stand surety for the Petitioners, who are

charged for black marketing of cinema tickets. The learned A.P.P. submits that if the Court is inclined to reverse that condition, the Petitioners may be directed to furnish any local surety in the amount of Rs.5,000/-. This petition succeeds. The order passed by the Special Executive Magistrate dated 4th September 2004 is modified only to the limited extent of permitting the Petitioners to furnish any local surety in the sum of Rs.5,000/-. Petition disposed of on the above terms.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)